

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CR2013-461096-001 DT

02/11/2015

COMMISSIONER CHARLES DONOFRIO III

CLERK OF THE COURT
A. Gonzalez
Deputy

STATE OF ARIZONA

SARA E BIRKEMEIER

v.

MIGUEL HERNANDEZ-PENA (001)

JOCQUESE L BLACKWELL

PRETRIAL SERVICES AGENCY-CCC
DISPOSITION CLERK-CSC

CASE DISMISSED

COURTROOM – CCB 802

9:24 a.m. This is the time set for Final Trial Management Conference.

State's Attorney:	Sara E. Birkemeier
Defendant's Attorney:	Jocquese Blackwell
Defendant:	Present
Court Reporter:	Crystal Hereford

Proceedings are also electronically recorded.

Court and counsel conduct a conference at the Bench. The State has filed a Motion to Reconsider Under Advisement Ruling, regarding the Court Ruling dated February 3, 2015, filed February 4, 2015, granting the Defendant's Motion to Suppress Physical Evidence and Statements Due to An Illegal Search and Seizure.

The Court clarifies its Ruling of February 3, that the Court found the witnesses' testimony as to the speed of the subject vehicle not credible. The Court therefore found that the stop was unreasonable.

Based on the clarification, the State will be filing a Motion to Dismiss.

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At this time,

IT IS ORDERED affirming the Trial date of FEBRUARY 22, 2015 at 9:00 a.m. in this division.

DEFENDANT IS ADVISED THAT FAILURE TO APPEAR CAN RESULT IN THE COURT ISSUING A WARRANT FOR THE DEFENDANT'S ARREST AND PROCEEDINGS, INCLUDING TRIAL, MAY BE CONDUCTED IN THE DEFENDANT'S ABSENCE.

Prior release orders are affirmed.

LAST DAY REMAINS: 3/23/2015

9:29 a.m. Matter concludes.

LATER.

IT IS ORDERED granting the State's Motion to Dismiss Without Prejudice. Accordingly, this case is hereby dismissed without prejudice against Miguel Hernandez Pena (dob 7/17/1979). Defendant is released from the supervision of the Pretrial Services Agency and all pending hearings are vacated.